

LEGISLATIVE COUNSEL
FILE COPY II

Calendar No. 966

96TH CONGRESS
2D SESSION

S. 2582

[Report No. 96-881]

To provide for the settlement and payment of claims of civilian and military personnel against the United States for losses in connection with the evacuation of such personnel from a foreign country.

IN THE SENATE OF THE UNITED STATES

APRIL 17 (legislative day, JANUARY 3), 1980

Mr. CHURCH (for himself, Mr. PELL, Mr. SARBANES, Mr. BAYH, Mr. COHEN, Mr. JAVITS, Mr. DURENBERGER, Mr. BAUCUS, Mr. MCGOVERN, Mr. LEVIN, and Mr. BIDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

AUGUST 1 (legislative day, JUNE 12), 1980

Reported by Mr. ROBERT C. BYRD (for Mr. KENNEDY), without amendment

A BILL

To provide for the settlement and payment of claims of civilian and military personnel against the United States for losses in connection with the evacuation of such personnel from a foreign country.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the Military Personnel and Civilian Employees' Claims
2 Act of 1964 (78 Stat. 767, 31 U.S.C. 240 et seq.) is amend-
3 ed by adding at the end thereof the following new section:

4 "SEC. 9. (a) Subject to any policies that the President
5 may prescribe, the head of any agency, or his designee, may
6 settle and pay not more than \$40,000 for any claim against
7 the United States made by a member of the uniformed serv-
8 ices under the jurisdiction of that agency or by a civilian
9 officer or employee of that agency for damage to, or loss of
10 personal property in a foreign country, incurred on or after
11 December 31, 1978, which damage or loss was incident to
12 the service of that member, officer, or employee, and

13 "(1)(A) that member, officer, or employee was evacuat-
14 ed from that country on or after December 31, 1978, in ac-
15 cordance with a recommendation or order of the Secretary of
16 State or other competent authority which was made in
17 response to incidents of political unrest or hostile acts by
18 people in that country, and

19 (B) that damage or loss resulted from that evacuation or
20 from any such incident or hostile act; or

21 "(2) that damage or loss resulted from acts of mob vio-
22 lence, terrorist attacks, or other hostile acts, directed against
23 the United States Government or its officers or employees.

24 "(b) The head of the agency, or his designee, authorized
25 under subsection (a) to settle and pay a claim of a person

1 described in such subsection may, if such person is deceased,
2 settle and pay any claim made by the decedent's surviving (1)
3 spouse, (2) children, (3) father or mother, or both, or (4)
4 brothers or sisters, or both, that arose before, concurrently
5 with, or after the decedent's death and is otherwise covered
6 by this section. Claims of survivors shall be settled and paid
7 in the order set forth in the preceding sentence.

8 “(c) A claim may be allowed under this section only if it
9 is presented in writing within two years after the claim ac-
10 crues, or within one year after the date of the enactment of
11 this section, whichever is later.

12 “(d) The head of each agency shall issue regulations to
13 carry out this section. The same standards applied in adjudi-
14 cating a claim under section 3 of this Act shall be applied in
15 adjudicating a claim under this section. Any claim to which
16 this section applies but which has been adjudicated under
17 section 3 of this Act by the applicable head of an agency
18 before the date of the enactment of this section shall not be
19 adjudicated under this section, but any amount of loss adjudi-
20 cated under such section 3 in connection with that claim
21 which has not been paid shall be payable to the extent per-
22 mitted in this section.

23 “(e) Upon payment of a claim under this section, the
24 United States shall, to the extent of the amount of such pay-
25 ment, be subrogated to any right or claim, with respect to the

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1 same damage or loss for which the claim under this section
2 was paid, that the claimant may have against the foreign
3 country in which that damage or loss occurred.”

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